

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

6 ePLUS, INC. : Civil Action No.
7 vs. : 3:09CV620
8 LAWSON SOFTWARE, INC. : January 7, 2011

COMPLETE TRANSCRIPT OF THE JURY TRIAL

BEFORE THE HONORABLE ROBERT E. PAYNE

UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

16 Scott L. Robertson, Esquire
17 Michael G. Strapp, Esquire
18 Jennifer A. Albert, Esquire
19 David M. Young, Esquire
 Goodwin Procter, LLP
 901 New York Avenue NW
 Suite 900
 Washington, D.C. 20001

20 Craig T. Merritt, Esquire
21 Christian & Barton, LLP
22 909 East Main Street
 Suite 1200
23 Richmond, Virginia 23219-3095
 Counsel for the plaintiff

Peppy Peterson, RPR
Official Court Reporter
United States District Court

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1 include overseeing customer implementations of
2 Lawson's procurement products; is that correct?

3 A That's correct.

4 Q Now, Lawson's Professional Services Organization
5 has roughly 1500 employees worldwide; is that correct?

6 A That's roughly correct, sure.

7 Q Isn't it true that 90 percent or more of Lawson's
8 customers engage Lawson Professional Services at some
9 time for some form of assistance over the course of
10 their relationship with Lawson?

11 A Yes, over the course of their full use of the
12 products, yes.

13 Q Now, among the different types of services
14 provided by Lawson's Professional Services
15 Organization to Lawson's customers, those services
16 would include training services; is that correct?

17 A Absolutely.

18 Q And Lawson's Professional Services Organization
19 also provides services that are referred to as project
20 management services to Lawson's customers; is that
21 correct?

22 A Yes, we do.

23 Q Lawson's Professional Services Organization also
24 services that are referred to as implementation
25 consulting services; is that correct?

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1 A That's correct.

2 Q And Lawson's Professional Services Organization
3 also provides services that are referred to as upgrade
4 consulting services; is that correct?

5 A That's correct.

6 Q And those upgrade services would involve assisting
7 the clients with upgrading from one version of a
8 Lawson system to the next released version of that
9 system; is that correct?

10 A That's correct.

11 Q Lawson's Professional Services Organization also
12 provides technical development services to customers
13 such as interface development and customization
14 development services; is that correct?

15 A We do at times, yes.

16 Q Lawson's Professional Services Organization also
17 offers services to Lawson's customers that are
18 referred to as learning services; is that correct?

19 A That's true.

20 Q Among the learning services that Lawson's
21 Professional Services Organization provides to
22 Lawson's customers would be public instructor led
23 training in one of Lawson's offices or on site
24 instructor led training for a specific customer at
25 their site; is that correct?

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1 A Sure.

2 MS. ALBERT: Mike, if you would, could we
3 have Plaintiff's Exhibit 202.

4 Q And, Ms. Raleigh, that is in Volume I of your
5 binders.

6 THE COURT: Before you go anywhere, what was
7 the exhibit number for that Frank deposition? You're
8 going to have to put it in the record because the
9 court reporter wasn't taking it down. Just look it up
10 and tell me later.

11 Go ahead, Ms. Albert.

12 Q Do you have Plaintiff's Exhibit 202?

13 A I do.

14 Q Is Plaintiff's Exhibit 202 a catalog of online
15 courses that Lawson offers to its customers?

16 A Yeah. It's a catalog that was published at a
17 certain point in time, but yes.

18 Q Can you turn, please, to page 5 of that exhibit,
19 and the Bates number on that page ends with 4027?

20 A I'm there.

21 Q Do you see at the top of the page there's a course
22 entitled inventory control 8.1/9.0 X?

23 A I do.

24 Q And Lawson offers this two-day course entitled
25 Inventory Control 8.1/9.0 X that provides its

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1 Q In this course, Lawson enables its customers to
2 have an experience using an actual Lawson training
3 system that would have the requisition self service
4 application installed; is that correct?

5 A Yes.

6 Q I believe I'm done with that document.

7 A Okay.

8 Q Lawson's Professional Services Organization also
9 provides services to Lawson's customers that consist
10 of installing the Lawson software on the customers'
11 hardware; is that correct?

12 A Yes.

13 Q And you previously mentioned that Lawson provides
14 implementation services to its customers. Do you
15 recall that?

16 A Yes.

17 Q Among the implementation services that Lawson
18 provides to its customers, those services would
19 include assistance with designing the configuration of
20 the Lawson software to meet the customer's business
21 requirements; is that correct?

22 A Yes.

23 Q Also included among the implementation services
24 that Lawson would provide to its customers would be
25 assisting the customer with developing test scripts

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1 and assisting the customer with testing the software
2 on that equipment; is that correct?

3 A Yes, we assist with customer with all the aspects
4 of implementing the software and those would be
5 included.

6 Q Among the aspects included with implementation
7 would be all aspects up to and including bringing a
8 system live into actual production operation; is that
9 correct?

10 A That's right.

11 Q Lawson also provides -- when a customer's system
12 goes live, that means it's actually operational and in
13 an actual production environment to perform the
14 procurement process; is that correct?

15 A We hope so, yes.

16 Q Now, also included among the services that Lawson
17 would provide to its customers, Lawson can provide
18 hosting services or Lawson physically hosts the
19 customer's system in space that Lawson owns if the
20 customer so desires; is that correct?

21 A We can.

22 Q And Lawson also provides services to its customers
23 to support converting existing systems and conversion
24 of data from those existing systems into the proper
25 format for importation into a Lawson system; is that

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1 correct?

2 A Yes. All of our customers are importing from a
3 previous system, so yes.

4 THE COURT: Excuse me just a minute. I don't
5 know that any of us over here know what hosting means.
6 The way it's been explained sort of leads me to the
7 impression that Lawson has everything on its computer
8 system, but if I'm the customer, I can be in Timbuktu
9 and just use my computer, and I go through you to get
10 what I want. Is that basically right or wrong?

11 THE WITNESS: The only clarification I would
12 make to that is that the system is actually still the
13 customer's system. So it is their system. It is
14 physically housed in a Lawson-owned or leased
15 facility. Obviously, we take care of keeping the
16 lights on and the electricity and those of things, but
17 the system can be accessed, you're correct, from
18 Timbuktu or anywhere else in the world using Internet
19 protocols.

20 Q And Lawson will assist its customer with
21 implementing those systems that it hosts in its own
22 facilities among other services; is that correct?

23 A Yes. It makes no difference where that hardware
24 lives.

25 Q Lawson also provides workshops to educate its

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1 customers on data migration requirements and data
2 mapping to put this data that's imported from a prior
3 system into a Lawson system; is that correct?

4 A That's right.

5 Q And Lawson Software includes within the software
6 import and export utilities that can be utilized for
7 this data conversion process; is that correct?

8 A That's correct.

9 Q As part of the data conversion effort, Lawson's
10 Professional Services Organization will actually
11 convert item master data from a client's preexisting
12 system to a format for use in the Lawson procurement
13 system; is that correct?

14 A Yes. When requested to help them with that, yes.

15 Q Have you actually been involved in implementation
16 projects where the customer has so requested Lawson to
17 perform data conversion efforts?

18 A Yes, I have been involved in some projects where
19 the customer needed assistance from the Lawson team to
20 do various elements of that conversion process.
21 Sometimes some steps and sometimes other systems, but
22 certainly I've been involved in projects where we
23 participate in that process.

24 MS. ALBERT: Mike, if we could have
25 Plaintiff's Exhibit 216. And, Ms. Raleigh, that's in

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1 Q And the text below that indicates that the data to
2 be converted will be identified during the design
3 phase. The Lawson functional consultants will provide
4 assistance with data mapping support, data loading
5 support, and executing uploads via Lawson add-ins tool
6 to build the required master files and
7 configuration/setup table values. Do you see that?

8 A I do.

9 Q And the Lawson professional consultants did
10 actually provide this assistance to Jackson Health
11 System as indicated in the statement of work; is that
12 correct?

13 A We did.

14 Q And in the second paragraph below that, the second
15 sentence of that paragraph, indicates that the
16 customer will have access to Lawson's conversion
17 manuals and file layouts. Do you see that?

18 A I do.

19 Q Did Lawson actually provide the customer Jackson
20 with the Lawson conversion manuals and file layout as
21 indicated in the statement of work?

22 A We did. I want to clarify that this entire
23 section does refer to all of the aspects of the
24 implementation, not purely the procurement
25 implementation. So our involvement over the course of

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1 the project may have, you know, been different
2 depending on which part of the system we were building
3 at the time. So there could be differences, but yes.

4 Q But this particular implementation project did
5 include the procurement modules; is that correct?

6 A It did.

7 Q Continuing on with that second sentence in the
8 second paragraph, it indicates that conversion work
9 session will be conducted to review the Lawson's
10 standard conversion programs and conversion process.
11 Do you see that?

12 A I do.

13 Q And Lawson did provide that conversion work
14 session to review the Lawson standard conversion
15 programs and conversion process for Jackson, correct?

16 A Absolutely.

17 Q Can you turn to page 16 of the exhibit and the
18 Bates number on that page ends with 375.

19 A Yes, I'm there.

20 Q That's table on this page entitled
21 "Responsibilities for master file and configuration
22 table value builds," do you see that?

23 A I do.

24 Q The table on this page relates to which party is
25 going to have responsibility for particular tasks

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1 during the implementation project; is that correct?

2 A That's right.

3 Q The second task in the table indicates that Lawson
4 would be responsibility to provide cross functional
5 workshops to define the data migration process and
6 mapping required for Jackson. Lawson did actually
7 provide such a cross functional workshop to define the
8 data migration process and mapping for Jackson Health
9 System, didn't it?

10 A We did.

11 Q And the next activity below that in the table
12 relates to migration strategy and process description.
13 Do you see that?

14 A I do.

15 Q And Lawson also provided Jackson Health System
16 with migration strategy and process description,
17 correct?

18 A We did.

19 Q And if you proceed down, I believe it's the sixth
20 task in the chart, it's identified as training and
21 data migration tools. Do you see that?

22 A Yeah, I do.

23 Q And the Lawson personnel delivered standard
24 training and education courses relating to data
25 migration tools to Jackson personnel; isn't that true?

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1 A We did. I would probably refer to it more as
2 knowledge transfer than standard training or
3 education. It was less formal than it maybe sounds
4 here, but we did help them understand those tools.

5 Q And the last task on that page is identified as
6 test load sample data, do you see that?

7 A I do.

8 Q It indicates that the client would be responsible
9 for providing sample data and then Lawson is
10 responsible for executing the load of the test data.
11 Lawson, in fact, executed the load of the test data
12 for Jackson in connection with this project; is that
13 correct?

14 A Yes, we did.

15 Q Can you turn to the next page of the exhibit.
16 That Bates No. on that page ends with 376?

17 A I'm there.

18 Q The first task on this page is identified as
19 production data load. Do you see that?

20 A I do.

21 Q And the table indicates that Lawson was
22 responsible for executing the load of the test data
23 for Jackson. Lawson did in fact, load the production
24 data for Jackson in connection with this
25 implementation project, correct?

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1 A We did. I believe we did.

2 Q And continuing down the page. Lawson also
3 conducted a full migration system test for Jackson in
4 connection with this project; is that correct?

5 A We did.

6 Q And Lawson was also responsible for the live data
7 migration for Jackson system, correct?

8 A We were.

9 Q If you look down below that table on the same page
10 there's another table, table 3.5.1.1.1, do you see
11 that?

12 A I do.

13 Q And the title on that table is master file in
14 configuration table value build and scope; do you see
15 that?

16 A I do.

17 Q And the table on this page identifies the master
18 files and configuration tables that were included
19 within the scope of the implementation project that
20 Lawson conducted for Jackson; is that correct?

21 A Yes.

22 Q So the data conversions that were included within
23 the scope of the project that Lawson performed for
24 Jackson included the vendor master, the item master
25 and the vendor catalog; is that correct?

1 A I would agree with the vendor master and the item
2 master, but if you note, there's a bolded Lawson
3 response next to the vendor catalog specification.
4 I'll also note that the system that was being convert
5 from was Eclipsys, right? So the terminology used
6 here to describe the data is really more relevant to
7 the system from which the data was coming.

8 But if you note the Lawson response related to
9 catalog, vendor catalog, it's really more that that is
10 purely item master data. So we really included the
11 item master data that they may be referring to based
12 on Eclipsys' terminology of the vendor catalog.

13 Q If lawson provided a response to Jackson here that
14 said catalog information is a part of Lawson's item
15 master, it wouldn't be converted as part of conversion
16 item No. 22 above; is that correct?

17 A Based on the definition of catalog information
18 that, I believe, was related to Eclipsys' definition
19 of vendor catalog information.

20 Q But Lawson told Jackson that the vendor catalog
21 data in Jackson's prior system would be included as
22 part of the data that would be converted in connection
23 with this project, right?

24 A Right. Essentially, we told them that that is
25 item master data, so it would be included under item 2

1 there for item master.

2 Q Lawson also provides maintenance and support
3 services to its customers; is that correct?

4 A We do.

5 MS. ALBERT: Mike, if you could, could you
6 put up Plaintiff's Exhibit 208.

7 Q And, Ms. Raleigh, that's in Volume I of your
8 binders.

9 A I'm there.

10 Q Plaintiff's Exhibit 208, this is a handbook that
11 Lawson publishes to its customers to tell them about
12 the types of support services that Lawson offers; is
13 that correct?

14 A That's correct.

15 Q Could you go to page 17 of the exhibit, and the
16 Bates number on that page ends with 050?

17 A I'm there.

18 Q Now, with reference to the chart on that page, it
19 shows that Lawson has four different levels of support
20 services; is that correct?

21 A That's correct.

22 Q There's a bronze level of support service.

23 There's a base maintenance support level; is that
24 accurate?

25 A That's accurate.

1 Q There's a silver level of support services.
2 That's an enhanced level of support; is that correct?

3 A That's right.

4 Q And then there's a gold level of support services
5 that's entitled, Application Management; is that
6 accurate?

7 A It incorporates Application Management in addition
8 to others, yes.

9 Q Well, as we're proceeding up this chart, for each
10 successive level of support, Lawson would provide all
11 of the support at the level beneath that level plus
12 the additional support listed for the level that it
13 relates to; is that accurate?

14 A That's accurate.

15 Q Then there's a top level of support entitled,
16 Platinum that relates to hosted solutions; is that
17 correct?

18 A That's right.

19 Q So some services that would fall within the base
20 or bronze level of maintenance services that Lawson's
21 provides to its customers would include providing them
22 with upgrades to licensed products; is that accurate?

23 A That's true.

24 Q The enhanced level of support service that Lawson
25 provides to its customers at the silver level of

1 support would include 24 by 7 emergency support; is
2 that correct?

3 A Yes, that's correct.

4 Q By 24 by 7 emergency support, that means 24 hour
5 by seven-day emergency support; is that correct?

6 A That's right.

7 Q In addition to the support services, Lawson can
8 also provide various different types of documentation
9 to its customers through its support website; is that
10 correct?

11 A That's right.

12 Q And at the bottom of the page there's some
13 additional options listed there. So Lawson will also
14 provide, for example, an additional option of pager
15 support services for a client; is that correct?

16 A That's right.

17 Q So if a customer has as critical event happening
18 during nonbusiness hours, a Lawson support person
19 would be on call for the customer to respond to that
20 problem; is that correct?

21 A That's right.

22 Q And Lawson also offers something that's called a
23 Lawson knowledge base; is that accurate?

24 A We do.

25 Q That's included for customers that subscribe to

1 the base level of support; is that correct?

2 A That's right.

3 Q And this knowledge base includes documentation
4 such as user manuals and product release notes and
5 frequently asked questions and documentations of that
6 of support; is that correct?

7 A That's right.

8 Q And Lawson also offers services that are referred
9 to as WebEx online support center services where a
10 Lawson support person may access a customer system
11 over the Internet and take control of the customer's
12 system to diagnose a problem; is that correct?

13 A Depending on the nature of the problem, yes, we
14 might use that tool.

15 MS. ALBERT: No further questions.

16 THE COURT: Any questions?

17 MR. SCHULTZ: Yes, Your Honor.

18

19 CROSS-EXAMINATION

20 BY MR. SCHULTZ:

21 Q Good afternoon, Ms. Raleigh.

22 A Good afternoon.

23 Q It's fair to say that Lawson helps its customers?

24 A Absolutely.

25 Q As part of helping your customers, do you learn